

**§ 630.7 Prohibitions.**

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(bb) Aboard a vessel for which a directed swordfish handgear permit has been issued under § 630.4, retain or possess swordfish taken with gear other than harpoon, rod and reel, or handline and or to have longline or drift gillnet gear on board. 5. Section 630.22 is revised to read as follows:

**§ 630.22 Gear Restrictions.**

(a) *Drift gillnet*. A drift gillnet with a total length of 2.5 km or more may not be used to fish for swordfish. A vessel using or having aboard a drift gillnet with a total length of 2.5 km or more may not possess a swordfish.

(b) *Handgear*. A vessel for which a directed swordfish handgear permit has been issued under § 630.4 may retain or possess swordfish taken only with harpoon, rod and reel, or handline and must not have longline or drift gillnet gear on board.

6. In § 630.24, paragraph (a) is revised and paragraph (b)(1)(iii) is added to read as follows:

**§ 630.24 Quotas.**

(a) *Applicability*. A swordfish harvested from the North Atlantic swordfish stock by a vessel of the United States in other than the recreational fishery is counted against the directed fishery gear quota or the bycatch quota. A swordfish harvested commercially by longline, drift gillnet, harpoon, rod and reel or handline and landed before the effective date of a closure for that gear, done pursuant to § 630.25(a)(1), is counted against the applicable directed fishery gear quota. After a gear closure, a swordfish landed by a vessel using or possessing gear for which bycatch is allowed under § 630.25(c) is counted against the bycatch allocation specified in paragraph (c) of this section. Notwithstanding the above, a swordfish harvested by a vessel using or possessing gear other than longline, drift gillnet, harpoon, rod and reel or handline is counted against the bycatch quota specified in paragraph (c) of this section at all times.

(b) \* \* \*

(1) \* \* \*

(iii) A quota equivalent to 2 percent of the directed fishery quota will be set-aside for holders of the directed handgear permit during each semiannual period. Any unused portion of the set-aside quota will be returned to the directed fishery allocation by the end of September (the end of the handgear season) of each year.

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7. In § 630.25, the first sentence in paragraph (c)(2)(ii) is amended by removing the numeral "15" and by adding the numeral "5" in its place, and paragraph (d) introductory text is revised to read as follows:

**§ 630.25 Closures and bycatch limits.**

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(d) *Bycatch limits in the non-directed fishery*. Aboard a vessel using or having aboard gear other than longline, drift gillnet, harpoon, rod and reel or handline, other than in the recreational fishery—

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**50 CFR Part 678**

[I.D. 121196A]

**Atlantic Shark Fisheries; Limited Access Program; Extension of Comment Period**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Extension of comment period.

**SUMMARY:** NMFS extends the comment period for a proposed rule and Amendment 1 to the Fishery Management Plan for Atlantic Sharks (FMP) to implement the limited access system. The proposed rule was published in the Federal Register on December 27, 1996. The proposed rule would establish a two-tiered permit system for the Atlantic shark commercial fishery, set forth eligibility criteria for these permits based on

historical participation, and limit the transferability of such permits.

**DATES:** Written comments on the proposed rule must be received on or before April 28, 1997.

**ADDRESSES:** Written comments should be sent to William T. Hogarth, Chief, Highly Migratory Species Management Division (F/SF1), Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, Room 14853, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** John Kelly or Margo Schulze at 301-713-2347; fax 301-713-1917.

**SUPPLEMENTARY INFORMATION:** NMFS has received requests from the affected public that more time is necessary to submit their comments on the Atlantic shark fishery proposed rule and FMP amendment to implement limited access (61 FR 68202, December 27, 1996). The extension in comment period will ensure that this proposed rule can be examined in conjunction with the proposed rule for limited access in the swordfish fishery, which is being published on the same date as this notice. The public has informed NMFS that it is essential to examine both proposals simultaneously in order to determine the net effect of the two proposed limited access systems.

The proposed rule, as published, would establish a two-tiered permit system for the Atlantic shark commercial fishery, set forth eligibility criteria for these permits based on historical participation, and limit the transferability of such permits. NMFS has determined that the Atlantic shark fishery is overfished and overcapitalized, with an excessive number of permitted vessels relative to the harvest level prescribed by the recovery plan.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 19, 1997.

Gary Matlock,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

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